

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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**UNITED STATES OF AMERICA,  
Plaintiff,**

**v.**

**SAFEHOUSE, a Pennsylvania nonprofit  
Corporation;  
JOSE BENITEZ, as President and  
Treasurer of Safehouse,  
Defendants.**

**CIVIL ACTION  
No. 19-0519**

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**SAFEHOUSE, a Pennsylvania nonprofit  
Corporation,**

**Counterclaim Plaintiff,**

**v.**

**UNITED STATES OF AMERICA,  
Counterclaim Defendant,**

**and**

**U.S. DEPARTMENT OF JUSTICE;  
WILLIAM P. BARR, in his official capacity  
as Attorney General of the United States;  
and WILLIAM M. McSWAIN, in his official  
capacity as U.S. Attorney for the Eastern  
District of Pennsylvania,**

**Third-Party Defendants.**

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**ORDER**

This 2nd day of October, 2019, upon consideration of the Government's Motion for Judgment on the Pleadings (ECF No. 47), and Safehouse's response, it is hereby **ORDERED** that the Motion is **DENIED**. Accepting the facts in the pleadings as true, as required under Rule 12 of the Federal Rules of Civil Procedure, 21 U.S.C. § 856 (a)(2) would not prohibit Safehouse

from establishing and operating an overdose prevention facility that provides medically supervised consumption services.

/s/ Gerald Austin McHugh  
United States District Judge